

461.006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Eduardo Trifoni, et al.
Serial No.: 10/517,982
Filed: 12/13/2004
For: MEMBRANE... GENERATOR

Hedman and Costigan
1185 Avenue of the Americas
New York, NY 10036
October 17, 2006

SECOND RENEWED RULE 47(A) PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the decision under Rule 47(a) for the above petition dated August 29, 2006, Applicants hereby renew the request for acceptance without the signature of joint inventors, Eduardo Trifoni and Mateo Lenardon.

The earlier decision held that items (1), (3) and (4) of the Rule had been complied with but not item (2) which requires proof that the said inventors had refused to execute the application. The Attorney Advisor held that a statement from a person with first hand knowledge, that a complete copy of the application papers had been sent and proof thereof was not of record.

Applicants are submitting herewith another declaration of Ms. Tuosto which states that the application together with the claims, drawings and declaration and the assignment to the assignee had been submitted to the two missing inventors. She further alleges follow up contacts with Mr. Trifoni on October 22, 2004 and November 19, 2004 during which he refused to execute the above application which he affirmed by his letter of November 27, 2004 filed with her first declaration. As indicated in her first declaration, she spoke with the mother of Mr. Lenardon on October 11, 2004 re her son executing the application followed by a message on his answering machine asking for execution on October 19, 2004 followed by an oral request of him on October 20, 2004 and December 20, 2004. The application has never been returned and obviously he does not intend to.

Therefore, Applicants have also complied with item (2) of Rule 47(a) and therefore granting of the acceptance of the application is requested.

Respectfully submitted,
Hedman and Costigan

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Charles A. Miserlian #19,683
Attorney for Applicants
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CAM:mlp
Enclosures

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DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Anna Tuosto hereby deposes and says

That she is the person who made the declaration of May 16, 2005 in this application.

That a declaration for the application was attached to the specification, claims and drawings submitted to the inventors with the assignment for signature by the two missing inventors.

That she contacted Mr. Trifoni on October 22, 2004 and November 19, 2004 and he refused to execute the application which he confirmed by his letter of November 27, 2004 filed with her declaration of May 16, 2004.

That as she indicated by handwritten note submitted with my declaration of May 16, 2005, she spoke to his mother on October 11, 2004 re his signature, left a message on his answering machine on October 19, 2004 and spoke with Mr. Lenardon on October 20, 2004 and tried again on December 20, 2004.

That, to date, he has not returned the executed application and does not intend to apparently.

I hereby declare that all statements made herein of own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Anna Tuosto

Anna Tuosto

Dated: October 16, 2006

*** RX REPORT ***

RECEPTION OK

TX/RX NO	7353
RECIPIENT ADDRESS	2123028998
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ST. TIME	01/31 08:00
TIME USE	03 '19
PGS.	6
RESULT	OK

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31 JAN 2007

1-31-07
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Attention: Anthony Smith

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Maria Louise Pineset

Maria Louise Pineset

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10/15 Rec'd ACT/PTO 17 OCT 2006

In re application of E. Trifoni, et al.

Serial No.: 10/517,982

Filed: 12/13/04

For: MEMBRANE . . . GENERATOR

Received: 2nd Renewed Petition (2 pages)
Declaration of Ms. Tuosto (2 pages)
Return postcard

CAM:mlp
10/17/06

